

REQUEST FOR COUNCIL ACTION

MEETING
DATE: 04-21-03

241-

AGENDA SECTION: PUBLIC HEARINGS	ORIGINATING DEPT: PLANNING	ITEM NO. E-6
ITEM DESCRIPTION: Land Subdivision Permit (Preliminary Plat) #03-09 to be known as North Park Fourteenth Subdivision by Leslie A. Lurken. The Applicant is proposing to subdivide approximately 11.42 acres of land into 42 lots for single family development and one Outlot. The Plat also proposes to dedicate new public roadways. The applicant is also requesting approval of a Substantial Land Alteration to permit site grading that will modify grades by more than 10 feet on portions of the property. The property is located west of Hillsboro Drive NW and east of Fairway Drive NW.		PREPARED BY: Theresa Fogarty, Planner

April 14, 2003

City Planning and Zoning Commission Recommendation:

The City Planning and Zoning Commission held a public hearing on March 26, 2003 to consider this preliminary plat.

Mr. Josh Johnson of McGhie & Betts, addressed the Commission and stated that the applicant was in agreement with the staff-recommended conditions.

The Planning Commission found that this preliminary plat will conform with the applicable criteria with the following conditions or modifications:

1. The Plat shall revised:

- Identifying the roadway named "Street" that goes north from the intersection of Blossom Street NW and Somersby Court NW and then take a 90 degree turn to the west as "Somersby Court NW".**
- Identifying the roadway named "Blossom" as "Blossom Street NW".**
- Identifying the cul-de-sac roadway named "Street" as "Blossom Lane NW".**

2. Dedication of parkland and the exchange of parkland shall be handled in the form outlined in the March 4, 2003 Memorandum from the Rochester Park and Recreation Department.

3. The Applicant shall dedicate Outlot 'A' to the City. In addition, the Applicant shall grade and establish turf prior to deeding to the City.

4. Grading and Drainage Plans shall be approved by the City Public Works Department prior to the submittal of the final plat. The preliminary Grading Plan indicates a temporary sedimentation basin within the ROW of Blossom Street NW (between Lot 1, Block 2 & Lot 9, Block 1), and temporary sedimentation basin within the ROW of Somersby Court NW (between Lot 7, Block 1 and Lot 12, Block 2). These proposed sediment basins are not permitted within the ROW. The Owner shall construct and maintain any required temporary sedimentation basin(s) on individual lot(s) within the subdivision. All storm water from this plat shall be directed to the temporary sediment basin(s) until such time all other lots are developed and sodded.

5. The Applicant shall construct a temporary turn-around and dedicate an applicable temporary easement at the westerly extent of the roadway abutting Lot 1, Block 1 and Lot 1, Block 4.

6. The cul-de-sac and roadway to be named "Blossom Lane NW" and the roadway named and to be named "Somersby Court NW", shall be posted "No Parking" along one side of the roadway.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____

242

RCA
Preliminary Plat – 03-09
North Park Fourteenth
4/14/2003

7. *The applicant shall provide surety that guarantees the site will be fully restored after the completion of the excavation activity. Said surety must be provided prior to commencement of grading activities on the property.*

Mr. Burke moved to recommend approval of Land Subdivision Permit (Preliminary Plat) #03-09 to be known as North Park Fourteenth Subdivision by Leslie A. Lurken with the staff-recommended findings and conditions. Ms. Petersson seconded the motion. The motion carried 6-0, with Mr. Ohly abstaining.

Mr. Burke moved to recommend approval of the Substantial Land Alteration by Leslie A. Lurken based on staff's recommendation. Mr. Staver seconded the motion. The motion carried 6-0, with Mr. Ohly abstaining.

Planning Department Recommendation:

See attached staff report, dated March 21, 2003.

Council Action Needed:

1. *The Council may approve, approve with conditions, or deny the land subdivision permit. The Council must make findings of fact based on the criteria included in the staff report. A motion to deny must include supporting reasons for a conclusion that at least one of the fifteen findings for denial in paragraph 61.225 can be made.*
2. *The Council should include a motion to adopt findings to support either approval or denial of the proposed Substantial Land Alteration Activity.*

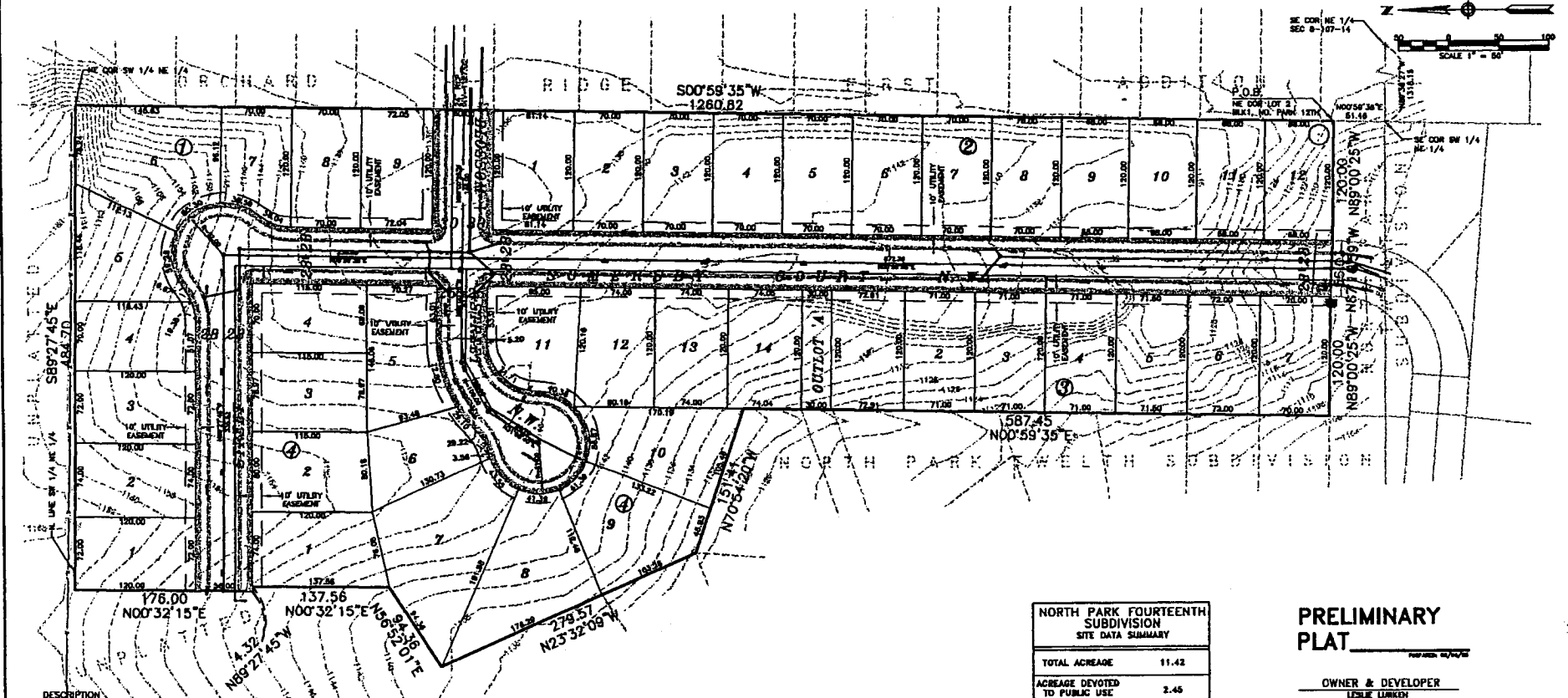
Attachments:

1. Staff report, dated March 21, 2003.
2. Minutes of the March 26, 2003 CPZC Meeting.

Distribution:

1. City Administrator
2. City Attorney
3. Planning Department File
4. Applicant: This item will be considered sometime after 7:00 p.m. on Monday, April 21, 2003 in the Council Chambers at the Rochester / Olmsted County Government Center.
5. McGhie & Betts, Inc.

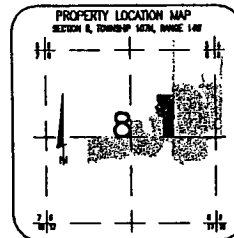
NORTH PARK FOURTEENTH SUBDIVISION



DESCRIPTION

That part of the Southwest Quarter of the Northeast Quarter of Section 8, Township 107 North, Range 14 West, Olmsted County, Minnesota, described as follows:

Commencing at the southeast corner of the Northeast Quarter of said Section 8; thence North 89 degrees 36 minutes 27 seconds West, assumed bearing, along the south line of said Northeast Quarter, 1318.18 feet to the southeast corner of the Southwest Quarter of the Northeast Quarter of said Section 8 (said point being on the east line of Lot 2, Block 1, NORTH PARK TWELFTH SUBDIVISION); thence North 00 degrees 59 minutes 35 seconds East along the east line of said Quarter Section and along the east line of said Lot 2, a distance of 51.46 feet to the northeast corner of said Lot 2 for the point of beginning (the next six courses are along the easterly lines of said NORTH PARK TWELFTH SUBDIVISION); thence North 89 degrees 00 minutes 25 seconds West, 120.00 feet; thence North 87 degrees 18 minutes 59 seconds West, 58.03 feet; thence North 89 degrees 00 minutes 25 seconds East, 120.00 feet; thence North 00 degrees 59 minutes 35 seconds East, 587.45 feet; thence North 70 degrees 54 minutes 20 seconds West, 151.41 feet; thence North 23 degrees 32 minutes 08 seconds West, 103.28 feet to the most northerly corner of said Subdivision; thence North 23 degrees 32 minutes 08 seconds West, 176.28 feet; thence North 55 degrees 52 minutes 01 second East, 84.36 feet; thence North 00 degrees 32 minutes 15 seconds East, 137.56 feet; thence North 89 degrees 27 minutes 45 seconds West, 4.32 feet; thence North 00 degrees 32 minutes 15 seconds East, 178.00 feet to the north line of the Southwest Quarter of the Northeast Quarter of said Section 8; thence South 89 degrees 27 minutes 45 seconds East, along said north line, 484.70 feet to the northeast corner of said Quarter Quarter (said point being on the west line of ORCHARD RIDGE FIRST ADDITION); thence South 00 degrees 59 minutes 35 seconds West, along said west line, 1260.82 feet to the point of beginning.



NORTH PARK FOURTEENTH SUBDIVISION SITE DATA SUMMARY	
TOTAL ACREAGE	11.42
ACREAGE DEVOTED TO PUBLIC USE	2.45
NUMBER OF LOTS R-1 ZONE	42
NUMBER OF OUTLOTS	1

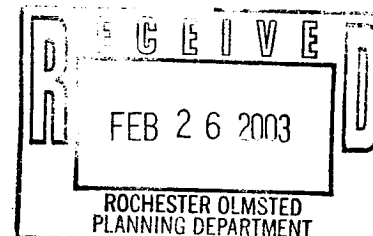
PRELIMINARY PLAT

OWNER & DEVELOPER
LESLIE LARKIN

I hereby certify that this plat is a true and correct copy of the original as filed in the Office of the Registrar of Titles in the State of Minnesota.

Date _____ Day _____

NOTARY PUBLIC
An individual licensed by the state to perform notarial acts and administer oaths is required to be present at all public hearings and to certify that the public hearing is properly conducted and that the public hearing is properly conducted.

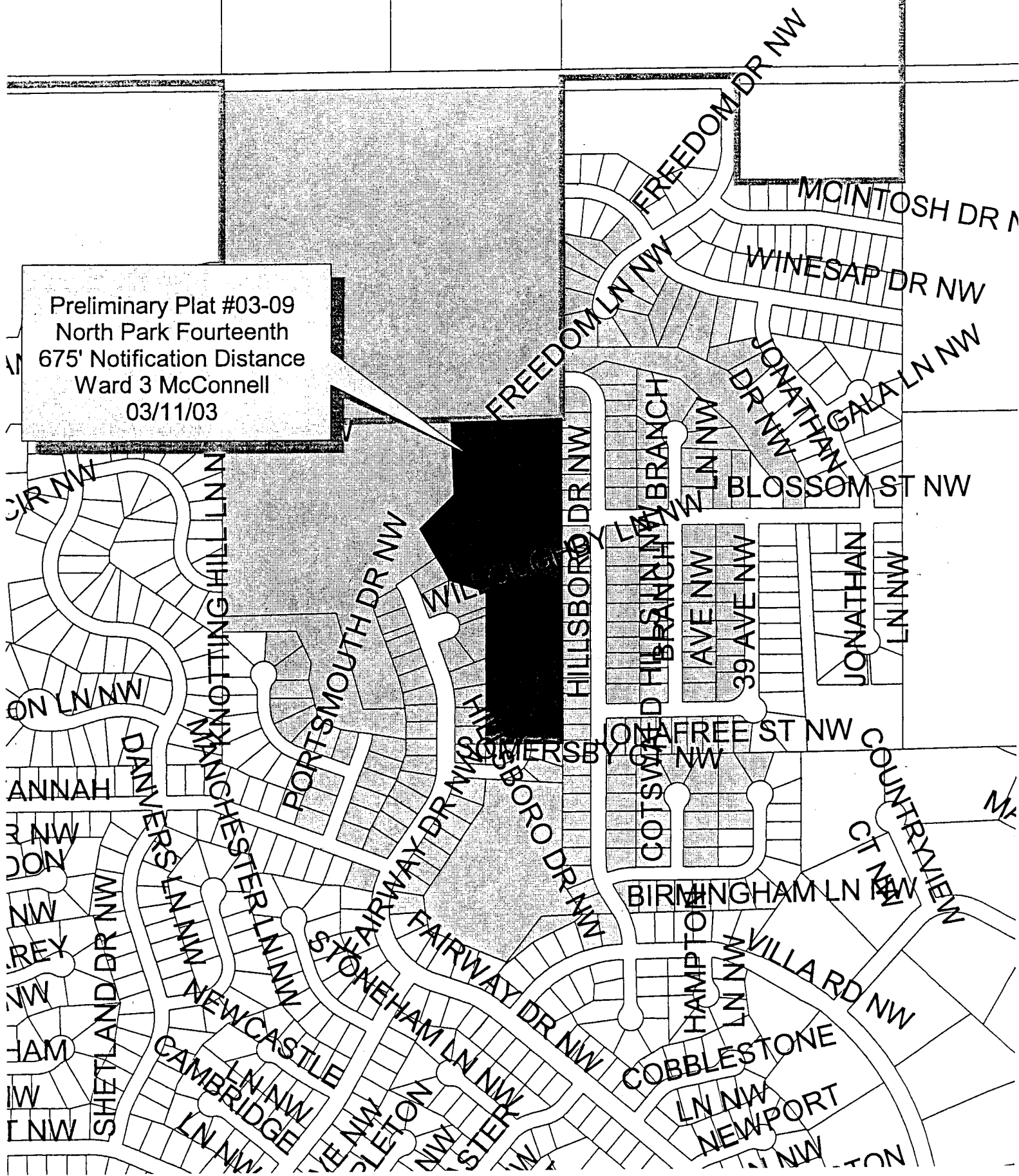


NORTH PARK FOURTEENTH SUBDIVISION

243

245-

Preliminary Plat #03-09
North Park Fourteenth
675' Notification Distance
Ward 3 McConnell
03/11/03



1990-1991

CONSTRUCT TEMP.

COMPACT ALL FILLS TO 95%
OF STANDARD PRODUCTION.

44

SCALE: 1" = 50'

PERMIT
PERMIT

FINAL TURF ESTABLISHMENT.

EROSION AND SEDIMENT CONTROL

Legend

SALT REDUC

STABILIZED VEHICLE EXIT

IF TOP OF FOUNDATION

FILED : 2006

mon 7 : 2000

PLANNING DEPARTMENT

STANDING PLAIN

Urban-Land Planning

THE
FAC
OF
THE

Conclusions: Unilateral Tapp

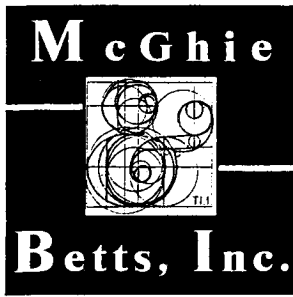
100

Impact of the State of Wisconsin

PERMANENT EROSION AND SEDIMENT CONTROL PROVISIONS		
ITEM	SCHEDULE	
PERMANENT TREE ESTABLISHMENT		SEE SECTION 1.0.1 OF WORKS PERMIT
STABILIZATION SEEDS AND MULCH		APPROVED BY CITY AFTER ACCEPTANCE

TEMPORARY EROSION AND SEDIMENT CONTROL PROVISIONS	
ITEM	SCHEDULE
SOIL PROTECTS	NEED TO CONCENTRATE AND IMMEDIATELY BE OBTAINED
TEMPORARY SEDIMENT TRAPS	IMMEDIATELY BE OBTAINED
SILTAGE ROUTING/REMOVING	IMMEDIATELY
CORNER CLOSURES	SEE APPROVED A SECTION C.I.B. OF WORKS PERMIT
BARBERS BEHIND	AS OBTAINED BY SIGNAGE

TABULATION OF PROJECT AREAS	
TOTAL PROJECT AREA	11.42 ACRES
TOTAL GRADING PROJECT AREA	11.28 ACRES
ESTIMATED TOTAL IMPERVIOUS SURFACE AREA OF PROJECT	4.26 ACRES
ESTIMATED TOTAL PERVIOUS AREA OF PROJECT	7.17 ACRES
ESTIMATED IMPERVIOUS SURFACE AREA OF ULMATE DEVELOPMENT	4.26 ACRES
ESTIMATED PERVIOUS AREA OF ULMATE DEVELOPMENT	7.17 ACRES



247

Rochester
Minnesota

March 12, 2003

Ms. Mitzi Baker
Consolidated Planning Department
2122 Campus Drive
Rochester, MN 55904

Land Surveying

Urban - Land Planning

Consulting - Civil Engineering

Geotechnical Engineering

Construction Material Testing

Landscape Architecture

RE: Exemption from Section 62.1101.2 (a) for North Park 14th

Dear Ms. Baker:

Section 62.1101 of the Rochester Land Development Manual and Zoning Ordinance contains new standards for substantial land alteration projects. The grading of the North Park 14th site will result in exceeding a 10-foot vertical cut and a 10-foot vertical fill over various portions of the site. This project meets the definition of Section 62.1101.2.a.1(d) where the cut/fill involves a grade change of 10-feet or more from the pre-existing grades. The enclosed grading plan indicates the cut and fill areas on the site. The maximum extreme cut would be approximately 14', which will occur on the northern portion of the site. (See grading plan.)

Section 62.1102.1.F provides for an exemption provided there are sufficient findings made as contained in 62.1105. The following are suggested findings in support of the request:

62.1105(1-15).

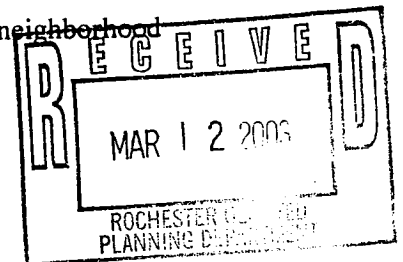
1. The activity necessary to grade the portions in excess of 10-foot vertical cut/fill will not result in unstable slopes or unsafe access. The slopes on the site will be a maximum of 3:1 and only a small portion of the grading would involve a 14-foot cut.
2. The environmental impacts of grading on this site to adjacent properties will be minimal.
3. There is access to the site from the south and the east. It will not be necessary to truck in fill or haul fill off of the site, so that will minimize the impact on the surrounding roads.
4. The additional grading will not adversely affect air quality, the ground water, or surface water quality.
5. The natural topography of the area will be re-graded to provide adequate slopes for single - family dwellings for this development and future single-family developments planned in the General Development Plan, but the overall scenic quality will be maintained.
6. The grading is compatible with the proposed adjacent neighborhood developments.

1648 Third Avenue S.E.
Rochester, MN 55904

Tel. 507.289.3919
Fax. 507.289.7333

e-mail. mbi@mcghiebetts.com

Established 1946





248

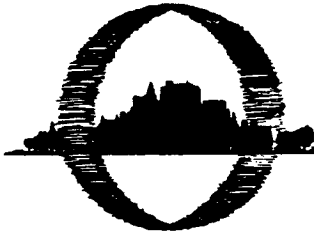
7. The grading will be confined to the North Park site, and will not unduly affect the use and enjoyment of adjacent properties.
8. The grading activity will take place in 1 phase taking approximately 6 weeks. There are homes in the immediate area that will be visually affected by the grading activity for only a short time during the grading process.
9. The grading plan will provide for proper restoration stabilization in accordance with the codes for the City of Rochester.
10. The grading will not result in negative impacts on the drainage patterns. The grading of the site is such that run-off is directed to appropriate locations in the street and handled through the City storm water plan.
11. The area of grading does not contain sinkholes or wetlands and will not affect the groundwater or the subsurface water quality once restoration and stabilization is completed.
12. The grading of the site will take place in 1 phase taking approximately 6 weeks. This time frame is appropriate for the size and location of this activity.
13. Permanent and interim (during construction) erosion/sedimentation control will be provided for in the grading plan. The city will review and approve this grading plan.
14. A performance and payment bond is required for all work associated with the construction of the public improvements. This bond will be submitted with the owner/contractor.
15. This development will comply with the standards in the Land Development Manual and on file with Public Works.

Very truly yours,

McGHIE & BETTS INC.

Joshua J. Johnson
JJJ/bd

pc: Mr. Lucky Lurken

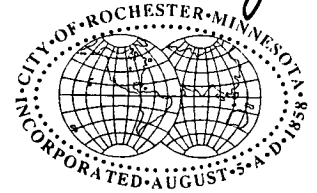


ROCHESTER-OLMSTED PLANNING DEPARTMENT

2122 Campus Drive SE, Suite 100 • Rochester, MN 55904-4744

COUNTY OF

Olmsted



TO: City Planning and Zoning Commission

FROM: Theresa Fogarty, Planner

DATE: March 21, 2003

RE: Land Subdivision Permit (Preliminary Plat) #03-09 to be known as North Park Fourteenth Subdivision by Leslie A. Lurken. The Applicant is proposing to subdivide approximately 11.42 acres of land into 42 lots for single family development and one Outlot. The Plat also proposes to dedicate new public roadways. The applicant is also requesting approval of a Substantial Land Alteration to permit site grading that will modify grades by more than 10 feet on portions of the property. The property is located west of Hillsboro Drive NW and east of Fairway Drive NW.

Planning Department Review:

Applicant/Owner: Leslie A. Lurken
1027 NW 7th Street
Rochester, MN 55901

Surveyors/Engineers: McGhie & Betts, Inc.
1648 Third Avenue SE
Rochester, MN 55904

Referral Comments: RPU Water Division
Park and Rec. Department
Rochester Public Works Department
Planning Department - Addressing staff
Rochester Fire Department
Wetlands LGU
MN Department of Transportation

Report Attachments:

1. Land Development Manual Excerpts
2. Referral Comments (7 letters)
3. Location Map
4. Copy of Preliminary Plat
5. General Development Plan
6. Memo from McGhie & Betts, Inc., dated March 12, 2003.
7. Copy of Substantial Land Alternation Map



Development Review:

Location of Property:

The property is located west of Hillsboro Drive NW and east of Fairway Drive NW.

Zoning:

The property is currently zoned R-1 (Mixed Single Family) district on the City of Rochester Zoning Map.

Proposed Development:

This development consists of 11.42 acres of land to be subdivided into 42 lots for single family development and one outlot.

Roadways:

This plat proposes to dedicate right-of-way for four new roadways.

The first roadway named "Somersby Court NW" is designed with a 56' right-of-way. This roadway is indicated less than 36 feet and will require "No Parking" signage along one side of the street.

The second 56' roadway named "Street" that goes north from the intersection of Blossom Street NW and Somersby Court NW and then takes a 90 degree turn to the west needs to be given a completed designation. This roadway needs to be illustrated as "Somersby Court NW". This roadway is indicated less than 36 feet and will require "No Parking" signage along one side of the street.

The third roadway named "Blossom" is designed with a 60' right-of-way. This roadway needs to be illustrated as "Blossom Street NW".

The fourth roadway labeled "Street NW" is designed with a 50' right-of-way ending in a cul-de-sac with a 51' radius. This roadway will need to be changed to "Blossom Lane NW". The cul-de-sac is indicated less than 96 feet in diameter and the roadway is indicated as less than 36 feet. Therefore cul-de-sac and roadway shall be marked "No Parking".

Construction of a temporary turn-around and dedication of an applicable temporary easement is required at the westerly extent of the street abutting Lot 1, Block 1 and Lot 1, Block 4.

Pedestrian Facilities:

In accordance with current City policy Pedestrian Facilities are required. A Development Agreement has been executed for this property, which addresses the required Pedestrian Facilities.

251-

Drainage:

The property generally drains to the south and west.

Grading and Drainage Plan approval is required prior to Final Plat submittal.

The preliminary Grading Plan indicates a temporary sedimentation basin within the ROW of Blossom Street NW (between Lot 1, Block 2 & Lot 9, Block 1), and temporary sedimentation basin within the ROW of Somersby Court NW (between Lot 7, Block 1 & Lot 12, Block 2). These proposed sediment basins will not be permitted in the ROW. The Owner will be required to construct and maintain any required temporary sediment basin(s) on individual lot(s) within the subdivision. All storm water from this plat shall be directed into the temporary sediment basin(s) until such time all other lots are developed or sodded.

Wetlands:

Minnesota Statutes now requires that all developments be reviewed for the presence of wetlands or hydric soils. Based on the Soil Survey, no hydric soils exist on the site.

Public Utilities:

Static water pressures within this area will range from 52 to 73 PSI.

Spillover Parking:

As per Section 63.426 of the LDM, all residential development must provide spillover parking for service vehicles and visitors. This development requires 51 spillover parking stalls. It appears as though the additional parking can be accommodated on the roadways and most likely within private driveways, as well.

Parkland Dedication:

The City Park and Recreation Department recommends that dedication requirements be met via: Cash in lieu of land with payment due prior to recordation of the final plat.

The applicant shall be required to grade and establish turf on Outlot A prior to deeding to the City.

General Development Plan:

This property is included within the North Park General Development Plan (GDP). The GDP is in the process of being amended (Type I amendment) to be consistent with the proposed plat.

Substantial Land Alteration:

This application includes a request for approval of land disturbing activities defined as Substantial Land Alteration according to Section 61.1101, B of the Rochester Zoning Ordinance and Land Development Manual (LDM). Section 62.1102 of the LDM allows the City to consider a request for excavation or substantial land alteration as part of a Type III application, such as a final plat, subject to making findings established in Section 62.1105 and 61.146 of the LDM.

25-2

This development includes a proposal for cut and fill work which involves a grade change of 10-feet or more from the pre-existing grades. The area where the grade is proposed to be changed, Lots 5 & 6, Block 1 will be cut and the unplatted area to the west will be filled. The maximum extreme cut will be approximately 14 feet.

Sections 61.146, 62.1102 and 62.1105 of the LDM are attached.

Staff Suggested Findings:

If the City Council approves the proposed substantial land alteration, staff recommends the following findings to Section 62.1105 and 61.146 of the Rochester Zoning Ordinance and Land Development Manual:

62.1105

- 1) The activity should not result in danger to life or property. The slopes on the site will be a maximum of 3:1. The grading and drainage plans will need to comply with City standards and be approved by the Rochester Public Works Department.
- 2) The grading plan for this project needs to be approved by the Rochester Public Works Department and it will document the extent of the work. All cut material will be used to fill in the low area on the unplatted area to the west of this proposed plat. Noise and dust control will need to comply with City standards.
- 3) The equipment conducting the grading work on the property will also be the equipment utilized to move the earth. All excess material will be moved to the unplatted area to the west. Access to the site is from the south and east, it will not be necessary to truck in fill or haul fill from the site, which will minimize the impact on the surroundings roads.
- 4) The proposed excavation work should not affect air quality or ground and surface water quality.
- 5) The proposed grading work should not adversely affect the scenic quality of Rochester. There will not be any steep slopes or exposed rock faces. The natural topography of the area is being re-graded to provide adequate slopes for single family dwellings.
- 6) The result of the proposed activity will be compatible with existing development and development anticipated in the future. The finished result of the grading work will allow for development that is consistent with the land use plan.
- 7) The grading will be confined to the property and should not affect the use and enjoyment of adjacent properties. The duration of the excavation activity is expected to be completed in one phase, taking approximately 6 weeks.
- 8) The grading will only take place during one phase, taking approximately 6 weeks. There are no homes in the immediate area that will be visually affected by the grading activity. Noise and dust control will need to comply with City standards.
- 9) The grading and drainage plan will need to provide the proper restoration and stabilization in accordance with the adopted codes for the City of Rochester.
- 10) The grading and drainage plans will need to be reviewed and approved by the City. Stormwater management will be required for the development.

253

- 11) The areas of grading do not contain sinkholes or wetlands and should not effect the ground water or surface quality once restoration and stabilization is completed.
- 12) The grading work is expected to be completed in one phase, taking approximately 6 weeks. The duration seems appropriate for this type of activity and the size of the project.
- 13) The Rochester Public Works Department will need to review and approve the grading and drainage plan for this work. This plan must accommodate permanent and interim erosion and sediment control.
- 14) Surety will need to be provided that guarantees the site will be fully restored after the completion of the excavation activity. This surety can be provided through the owner-contract process for this development. If grading is to occur prior to an owner-contract, a separate surety will need to be provided.
- 15) The grading and drainage plan will need to be approved by the Rochester Public Works Department prior to any grading on the property.

The Planning Staff would suggest the following findings for Section 61.146:

- 1) Not applicable.
- 2) Not applicable.
- 3) Not applicable.
- 4) The Rochester Public Works Department will need to review and approve the grading and drainage plan for this work. This plan must accommodate permanent and interim erosion and sediment control.
- 5) Not applicable.
- 6) Not applicable.
- 7) Not applicable.
- 8) Not applicable.

Preliminary Plat Staff Review and Recommendation:

Section 61.225 of the Land Development Manual lists the findings which must be considered by the Planning Commission and the Council when reviewing a land subdivision permit application. This section is attached for your information.

The Planning staff has reviewed this preliminary plat request for compliance with the Rochester Zoning Ordinance and Land Development Manual including Section 61.225 of the LDM. A Development Agreement has been executed with the City, therefore the staff recommends approval with the following conditions / modifications:

1. The Plat shall be revised:

- a. **Identifying the roadway named "Street" that goes north from the intersection of Blossom Street NW and Somersby Court NW and then takes a 90 degree turn to the west as "Somersby Court NW".**
- b. **Identifying the roadway named "Blossom" as "Blossom Street NW".**
- c. **Identifying the cul-de-sac roadway named "Street" as "Blossom Lane NW".**
2. **Dedication of parkland and the exchange of parkland shall be handled in the form outlined in the March 4, 2003 Memorandum from the Rochester Park and Recreation Department.**
3. **The Applicant shall dedicate Outlot 'A' to the City. In addition, the Applicant shall grade and establish turf prior to deeding to the City.**
4. **Grading and Drainage Plans shall be approved by the City Public Works Department prior to the submittal of the final plat. The preliminary Grading Plan indicates a temporary sedimentation basin within the ROW of Blossom Street NW (between Lot 1, Block 2 & Lot 9, Block 1), and temporary sedimentation basin within the ROW of Somersby Court NW (between Lots 7, Block 1 and Lot 12, Block 2). These proposed sediment basins are not permitted within the ROW. The Owner shall construct and maintain any required temporary sedimentation basin(s) on individual lot(s) within the subdivision. All storm water from this plat shall be directed to the temporary sediment basin(s) until such time all other lots are developed and sodded.**
5. **The Applicant shall construct a temporary turn-around and dedicate an applicable temporary easement at the westerly extent of the roadway abutting Lot 1, Block 1 and Lot 1, Block 4.**
6. **The cul-de-sac and roadway to be named "Blossom Lane NW" and the roadway named and to be named "Somersby Court NW, shall posted "No Parking" along one side of the roadway.**
7. **The applicant shall provide surety that guarantees the site will be fully restored after the completion of the excavation activity. Said surety must be provided prior to commencement of grading activities on the property.**

Reminder to Applicant:

- **Prior to development, the property owner will need to execute a City / Owner Contract for construction of all public infrastructure and utilities to serve this subdivision.**
- **This Plat is subject to the Subdivision regulations which became effective May 15, 1999. Approved grading, drainage and construction plans will need to be submitted with the final plat application, if the applicant intends to record the final plat documents prior to completion of infrastructure improvements.**

255-

CITY OF ROCHESTER
ZONING ORDINANCE AND LAND DEVELOPMENT MANUAL
EXCERPTS

61.225 Finding for Land Subdivision:

The Zoning Administrator, Commission or Council shall approve a development permit authorizing a land subdivision if all of the following findings with respect to the proposed development are made:

- A. The proposed land subdivision conforms to all relevant requirements of this ordinance and variances have been granted to permit any nonconformance.
- B. That the proposed water system and sanitary sewer system are adequate to serve the normal and fire protection demands of proposed development and to provide for the efficient and timely extension to serve future development.
- C. That the plan for soil erosion and stormwater management meets the adopted standards of the City of Rochester and is consistent with the adopted Stormwater Management Plan or adopted drainage or stormwater policies.
- D. That the vehicular and non-motorized system is consistent with adopted transportation plans and is consistent with the street layout standards listed in Section 64.120 and traffic service standards in Section 61.526.
- E. That the lot and block layout provide for safe and convenient vehicular, service and emergency access, efficient utility service connections, and adequate buildable area in each lot for planned uses.
- F. That the proposed land subdivision has taken into account the current 6-Year and other Long-Range Capital Improvements Programs and the elements listed therein in the design of the subdivision.
- G. That the proposed subdivision, if in a resident zoning district, -addresses the need for spillover parking consistent with the requirements of Section 63.426.
- H. That right-of-ways and easements of adequate size and dimensions are -provided for the purpose of constructing the street, utility, and drainage facilities needed to serve the development.
- I. That the proposed parks, trail thoroughfares and open space dedications are consistent with adopted plans, policies and regulations.
- J. That the proposed subdivision will not have off-site impacts on the street, drainage, water or wastewater systems that exceed adopted standards.
- K. That the proposed subdivision will not have adverse impacts on the safety or viability of permitted uses on adjacent properties.
- L. That the proposed land subdivision is designed in such a manner as to allow for continued development in an efficient manner on adjacent undeveloped lands.

Effective May 15, 1999

Page 8
Preliminary Plat #03-09
North Park 14th
March 21, 2003

- M. That the soils, topography and water tables have been adequately studied to ensure that all lots are developable for their designated purposes.
- N. That the proposed land subdivision is consistent with the standards of the City's adopted Comprehensive Plan.
- O. That any land located within Zone A as shown as on the currently adopted Flood Boundary and Floodway Maps of the Flood Insurance Study, Rochester, Minnesota prepared by the Federal Emergency Management Agency, is -determined to be suitable for its intended use and that the proposed subdivision adequately mitigates the risks of flooding, inadequate drainage, soil and rock formations with severe limitation for development, severe erosion potential or any other floodplain related risks to the health, safety or welfare of the future residents of the proposed subdivision in a manner consistent with this ordinance.
- P. That the proposed land subdivision, if approved, would not result in a violation of federal or state law, or the city or county ordinance.

61.226 Conditions on Approvals:

In considering an application for development permit to allow a land subdivision, the approving body shall consider and may impose modification or conditions to the extent that such modifications or conditions are necessary to insure compliance with the criteria of Section 61.225.

Effective May 15, 1999

257

Land Development Manual Excerpts Substantial Land Alteration

62.1102 Exempt Activities:

- 1) Except as required for a reclamation plan, which may be imposed on any of the following activities as part of any required City permit or approval process, the provisions of these Sections 62.1100 through 62.1113 shall not apply to the following activities:
- a) The land area included within 15' or as reasonably defined by the City Engineer to allow soil stabilization of the identified boundaries of a building submitted for a building footing and foundation permit.
- b) Stormwater management facilities or other public infrastructure approved by the City.
- c) Excavations or blasting for wells, tunnels or utilities that have received all necessary governmental approvals.
- d) Refuse disposal sites controlled by other applicable City, State or federal regulations.
- e) On-going cemetery (burial) operations.
- f) Development activity for which a general development plan, subdivision permit or other Type III approval has resulted in the review of the proposed cut and fill work and for which a grading permit is required. To qualify for this exemption, the Council shall have made the findings established in Section 62.1105.
- g) Uses in the Central Development Core (CDC) District.

62.1105 Findings Necessary for Issuance of a Conditional Use Permit:

The City shall approve a conditional use permit authorizing an excavation activity only if all of the following findings with respect to the proposed activity are made, in addition to those listed in Section 61.146:

- 1) The activity will not result in a danger to life or property due to (1) steep or unstable slopes, (2) unsafe access to the property, (3) excessive traffic, or (4) proximity to existing or planned residential areas, parks and roadways;
- 2) Visual, noise, dust, and/or excessive on- or off-site environmental impacts on public parks, roadways and residential areas can be adequately mitigated by the Applicant and a fully detailed plan is submitted by the Applicant to demonstrate the mitigation methods to be used, the cost of such mitigation, the source of funds for such mitigation, and adequate legal assurance that all of such mitigation activities are carried out;
- 3) The use of trucks and heavy equipment will not adversely impact the safety and maintenance of public roads providing access to the site, or such impacts will be mitigated;
- 4) The proposed use will not adversely affect air quality or ground water or surface water quality;

- 5) The proposed use will not adversely affect the scenic quality of Rochester or the natural landscapes, environment, wildlife and wildlife habitat; or if such effects are anticipated to occur, the reclamation plan provides for adequate restoration of the site following completion of the excavation activity;
 - 6) The activity will be compatible with existing development and development anticipated in the future, including other uses as shown in the Comprehensive Plan, including but not limited to: patterns of land use, recreational uses, existing or planned development, public facilities, open space resources and other natural resources;
 - 7) The activity will not unduly affect the use and enjoyment of adjacent properties;
 - 8) The site plan provides for adequate buffers and screening year-round from unsightly features of the excavation operation;
 - 9) The reclamation plan provides for adequate and appropriate restoration and stabilization of cut and fill areas;
 - 10) The excavation activity will not result in negative impacts on drainage patterns or stormwater management facilities;
 - 11) The proposed activity will minimize impacts on sinkholes, wetlands and other natural features affecting ground water or surface water quality;
 - 12) The intensity and the anticipated duration of the proposed excavation activity is appropriate for the size and location of the activity;
 - 13) Permanent and interim erosion and sediment control plans have been approved by the City;
 - 14) Surety has been provided that guarantees the site will be fully restored, after completion of the excavation activity, to a safe condition, and one that permits reuse of the site in a manner compatible with the Comprehensive Plan, neighborhood plans, the Land Use Plan and applicable City policies.
 - 15) The proposed activity complies with the requirements of the adopted building code.
- 61.146 **Standards for Conditional Uses:** The zoning administrator, Commission, or Council shall approve a development permit authorizing a conditional use unless one or more of the following findings with respect to the proposed development is made:
- 1) Provisions for vehicular loading, unloading, parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets and ways will create hazards to safety, or will impose a significant burden upon public facilities.
 - 2) The intensity, location, operation, or height of proposed buildings and structures will be detrimental to other private development in the neighborhood or will impose undue burdens on the sewers, sanitary and storm drains, water or similar public facilities.

259

- 3) The provision for on-site bufferyards and landscaping does not provide adequate protection to neighboring properties from detrimental features of the development.
- 4) The site plan fails to provide for the soil erosion and drainage problems that may be created by the development.
- 5) The provisions for exterior lighting create undue hazards to motorists traveling on adjacent public streets or are inadequate for the safety of occupants or users of the site or such provisions damage the value and diminish the usability of adjacent properties.
- 6) The proposed development will create undue fire safety hazards by not providing adequate access to the site, or to the buildings on the site, for emergency vehicles.
- 7) In cases where a Phase I plan has been approved, there is a substantial change in the Phase II site plan from the approved Phase I site plan, such that the revised plans will not meet the standards provided by this paragraph.
- 8) The proposed conditional use does not comply with all the standards applying to permitted uses within the underlying zoning district, or with standards specifically applicable to the type of conditional use under consideration, or with specific ordinance standards dealing with matters such as signs which are part of the proposed development, and a variance to allow such deviation has not been secured by the applicant.

61.147 **Conditions on Approval:** In considering an application for a development permit to allow a Conditional Use, the designated hearing body shall consider and may impose modifications or conditions to the extent that such modifications or conditions are necessary to insure compliance with the criteria of Paragraph 61.146.

260



March 6, 2003

Rochester-Olmsted
CONSOLIDATED PLANNING DEPARTMENT
2122 Campus Drive SE
Rochester, MN 55904-7996

REFERENCE: Preliminary Plat #03-09 by Leslie A. Lurken to be known as North Park Fourteenth Subdivision.

Dear Ms. Garness:

Our review of the referenced preliminary plat is complete and our comments follow:

1. Static water pressures within this area will range from 52 to 73 PSI
2. Minor revisions to the proposed water system layout are required. We have provided the applicant's engineering firm with these comments.

Please contact us at 507-280-1600 if you have questions.

Very truly yours,

A handwritten signature in black ink that reads 'Donn Richardson'. The signature is written in a cursive, flowing style.

Donn Richardson
Water

C: Doug Rovang, RPU
Mike Engle, RPU
Mark Baker, City Public Works
Vance Swisher, Fire Prevention Bureau
Gary Schick, Building & Safety
Leslie A. Lurken
McGhie & Betts, Inc.



261

ROCHESTER PARK AND RECREATION DEPARTMENT
201 FOURTH STREET SE
ROCHESTER MINNESOTA 55904-3769
TELE 507-281-6160
FAX 507-281-6165

M E M O R A N D U M

DATE: March 4, 2003

TO: Jennifer Garness
Planning

RE: North Park 14
Preliminary Plat # 03-09

Acreage of plat.....	11.42 a
Number of dwelling units.....	42 units
Density factor.....	.0244
Dedication.....	1.02 a
Fair market value of land.....	\$14,000

The Park and Recreation Department recommends that dedication requirements be met via: Cash in lieu of land with payment due prior to recordation of final plat.

Applicant should be required to grade and establish turf on Outlot A prior to deeding to City.

Applicant:
Leslie Lurken
1027 7 Street NW

262

ROCHESTER

— Minnesota —

TO: Consolidated Planning Department
2122 Campus Drive SE
Rochester, MN 55904

DEPARTMENT OF PUBLIC
WORKS
201 4th Street SE Room 108
Rochester, MN 55904-3740
507-287-7800
FAX – 507-281-6216

FROM: Mark E. Baker

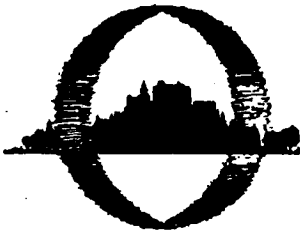
DATE: 3/13/03

The Department of Public Works has reviewed the requested application for Preliminary Plat Request #03-09 for the North Park Fourteenth Subdivision. The following are Public Works comments on the proposal:

1. A Development Agreement has been executed for this property.
2. Grading & Drainage Plan approval is required prior to Final Plat submittal.
3. The preliminary Grading Plan indicates a temporary sedimentation basin within the ROW of Blossom St NW (between Lot 1, Block 2, & Lot 9, Block 1), and temporary sedimentation basin within the ROW of Somersby Court NW (between Lot 7, Block 1, & Lot 12, Block 2). These proposed sediment basins will not be permitted in the ROW. The Owner will be required to construct and maintain any required temporary sediment basin(s) on individual lot(s) within the subdivision. All storm water from this plat shall be directed into the temporary sediment basin(s) until such time all other lots are developed and sodded.
4. Construction of a temporary turn-around, and dedication of an applicable temporary easement is required at the westerly extent of the street abutting Lot 1, Block 1, & Lot 1, Block 4.
5. Execution of a City-Owner Contract is required prior to Construction of public infrastructure to serve this development.
5. Preliminary Construction Plan comments will be provided separately to the Developer's Engineer.

Charges/fees applicable to the development of this property are addressed in the Development Agreement and City-Owner Contract, and include:

- ❖ J9173 NW Trunk Sanitary Sewer
- ❖ A Proportional Share of the Current Assessment for J9265 Watertower & Trunk Watermain to Serve High Level NW Area
- ❖ Contribution to NWTID
- ❖ Traffic Calming Contribution of \$40.00 per platted lot
- ❖ Stormwater Management (if on-site detention is not provided)
- ❖ Traffic Signs as determined by the City Engineer



COUNTY OF
Olmsted



Rochester-Olmsted Planning Department
GIS/Addressing Division
2122 Campus Drive SE
Rochester, MN 55904-4744
Phone: (507) 285-8232
Fax: (507) 287-2275

PLAT REFERRAL RESPONSE

DATE: March 12, 2003

TO: Jennifer Garness

FROM: Randy Growden
GIS/Addressing Staff
Rochester-Olmsted County
Planning Department

CC: McGhie and Betts Inc.

RE: NORTH PARK FOURTEENTH SUBDIVISION

PRELIMINARY PLAT #03-09

A review of the preliminary plat has turned up the following **ADDRESS** and **ROADWAY** related issues.

1. The cul-de-sac that lies on the west side of Somersby Court NW should be given a unique designation.

RECOMMENDATION: Change the designation of the cul-de-sac to **BLOSSOM LANE NW**.

2. The roadway that goes north from the intersection of Blossom Street NW and Somersby Court NW and then takes a 90 degree turn to the west needs to be given a complete designation, cannot be labeled as **STREET**.

RECOMMENDATION: Illustrate this roadway as **SOMERSBY COURT NW**.

3. The roadway that runs to the east from it's intersection with Somersby Court NW needs to be given a completed designation, not just **BLOSSOM**.

RECOMMENDATION: Illustrate this roadway as **BLOSSOM STREET NW**.

264



The hand to reach for...
DAVID A. KAPLER
Fire Chief

DATE: March 10, 2003

TO: Jennifer Garness, Planning

FROM: R. Vance Swisher
Fire Protection Specialist

SUBJ: Land Subdivision Permit (preliminary plat) 03-09 by Leslie A. Lurken to be known as North Park Fourteenth Subdivision.

With regard to the above noted project plan, the fire department has the following requirements:

1. An adequate water supply shall be provided for fire protection including hydrants properly located and installed in accordance with the specifications of the Water Division. Hydrants shall be in place prior to commencing building construction.
2. Streets and roadways shall be as provided in accordance with the fire code, RCO 31 and the Zoning Ordinance and Land Development Manual. Emergency vehicle access roadways shall be serviceable prior to and during building construction.

Cul-de-sacs less than 96 feet in diameter shall be marked "No Parking" along the cul-de-sac. The cul-de-sac associated with this plan is indicated as less than 96 feet and therefore shall be marked "No Parking".

Streets less than 36 feet in width shall be posted "No Parking" along one side of the street. The streets associated with this plan are indicated as less than 36 feet and will require "No Parking" signage along one side of the streets.

3. All street, directional and fire lane signs must be in place prior to occupancy of any buildings.
4. All buildings are required to display the proper street address number on the building front, which is plainly visible and legible from the street fronting the property. Number size must be a minimum 4" high on contrasting background when located on the building and 3" high if located on a rural mail box at the public road fronting the property. Reflective numbers are recommended.

c: Donn Richardson, RPU, Water Division
Leslie A. Lurken – 1027 NW 7th Street – 1027 NW 7th Street – Rochester, MN 55901
McGhie & Betts, Inc. – 1648 Third Ave SE – Rochester, MN 55904

265-

WETLAND COMMENTS FOR DEVELOPMENT APPLICATIONS

Application Number: Prel. Plat #03-09, North Park 14th

- ☒ No hydric soils exist on the site based on the Soil Survey
- ☐ Hydric soils exist on the site according to the Soil Survey. The property owner is responsible for identifying wetlands on the property and submitting the information as part of this application.
- ☐ A wetland delineation has been carried out for the property and is on file with the Planning Department.
- ☐ A wetland delineation is on file with the Planning Department and a No-Loss, Exemption, or Replacement Plan has been submitted to the Planning Department.
- ☐ A wetland related application has been approved by the City. This plan incorporates the approved wetland plan.
- ☐ No hydric soils exist on the property based on the Soil Survey. However, due to the location in the landscape, the property owner should examine the site for wetlands. The property owner is responsible for identifying wetlands.
- ☐ Other or Explanation:

246



Minnesota Department of Transportation

Minnesota Department of Transportation - District 6

Mail Stop 060

2900 48th Street N.W.

Rochester, MN 55901-5848

Office Tel: 507-280-2913

Fax: 507-285-7355

E-mail: dale.maul@dot.state.mn.us

March 11, 2003

Jennifer Garness

Rochester Olmsted Planning Department

2122 Campus Drive SE - Suite 100

Rochester, MN 55904

RE: Final Plat #03-02 by Roger Payne to be known as Century Hills Seventh Subdivision. The Plat proposes to subdivide 9.44 acres of land into 25 lots for single family development.

Annexation Petition #03-08 by GP Development LLC to annex approximately 44.99 acres of land located along the west side of 18th Avenue SW.

Type II Conditional Use Permit and Type III, Phase II Restricted Development #03-05, by Mayo Foundation.

Land Subdivision Permit (Preliminary Plat) #03-10 to be known as Badger Village Townhomes by Circle 22 Investors, LLC.

Final Plat #99-25 by Rocky Creek of Rochester, LLC to be known as Glendale Hills Fourth.

Annexation Petition #03-10 by First Baptist Church to annex approximately 57.51 acres of land located along the north side of Salem Road SW (CSAH 25).

Land Subdivision Permit (Preliminary Plat) #03-09 to be known as North Park Fourteenth Subdivision by Leslie A. Lurken.

Land Subdivision Permit (Preliminary Plat) #03-08 to be known as Fieldstone by GP Development Inc.

Type III, Phase III Incentive Development Final Plan #02-50 by Church of St. Pius X.

Dear Ms. Garness:

The Minnesota Department of Transportation (Mn/DOT) has reviewed the above proposals. Although these developments do not have direct access to Mn/DOT roadways, Mn/DOT requests the City of Rochester to continue managing traffic impacts for both City and State roadways.

Thank you for keeping Mn/DOT informed. Any questions you have may be directed to Fred Sandal, Principal Planner, at (507) 285-7369 or Debbie Persoon-Bement, Plan and Plat Coordinator, at (507) 281-7777.

Sincerely,

A handwritten signature in cursive script that reads 'Dale E. Maul'.

Dale E. Maul
Planning Director

247

Land Subdivision Permit (Preliminary Plat) #03-10 to be known as Badger Village Townhomes by Circle 22 Investors, LLC. The Applicant is proposing to re-subdivide Lots 1 & 2, Block 2 Badger Ridge Fourth Subdivision into 37 lots for single family attached dwellings. The Plat also proposes to dedicate one new public roadway. The property is located west of Superior Drive NW, east of Kenosha Drive NW and north of Monroe Drive NW.

Ms. Wiesner handed the gavel to Mr. Quinn for this request.

Mr. Brent Svenby presented the staff report, dated March 19, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

Mr. Svenby stated that, at the time the staff reports was written, Badger Ridge Fourth was not recorded. However, it has now been recorded. Therefore, recommended condition number 3 could be stricken.

The applicant's representative, Scott Lacey, addressed the Commission. He stated that the applicant agreed with the staff-recommended conditions as revised by Mr. Svenby.

With no one else wishing to be heard, Mr. Quinn closed the public hearing.

Mr. Haeussinger moved to recommend approval of Land Subdivision Permit (Preliminary Plat) #03-10 to be known as Badger Village Townhomes by Circle 22 Investors, LLC with the staff-recommended conditions (as revised by Mr. Svenby). Mr. Staver seconded the motion. The motion carried 6-0, with Ms. Wiesner abstaining.

CONDITIONS:

1. The cul-de-sac associated with this plan is indicated as less than 26 feet in diameter and shall be posted "No Parking" along the cul-de-sac.
2. The plat shall be labeled as Block 1 instead of Block 2.

Mr. Quinn gave the gavel back to Ms. Wiesner.

***** Land Subdivision Permit (Preliminary Plat) #03-09 to be known as North Park Fourteenth Subdivision by Leslie A. Lurken. The Applicant is proposing to subdivide approximately 11.42 acres of land into 42 lots for single family development and one Outlot. The Plat also proposes to dedicate new public roadways. The applicant is also requesting approval of a Substantial Land Alteration to permit site grading that will modify grades by more than 10 feet on portions of the property. The property is located west of Hillsboro Drive NW and east of Fairway Drive NW.

Ms. Wiesner stated that Mr. Ohly would be abstaining from the request.

Mr. Brent Svenby presented the staff report, dated March 21, 1999, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

The applicant's representative, Josh Johnson of McGhie and Betts, Inc. (1648 Third Avenue SE, Rochester MN), addressed the Commission. He stated that the applicant agreed with the recommended conditions.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Mr. Burke moved to recommend approval of Land Subdivision Permit (Preliminary Plat) #03-09 to be known as North Park Fourteenth Subdivision by Leslie A. Lurken with the staff-recommended findings and conditions. Ms. Petersson seconded the motion. The motion carried 6-0, with Mr. Ohly abstaining.

CONDITIONS:

1. The Plat shall be revised:
 - a. Identifying the roadway named "Street" that goes north from the intersection of Blossom Street NW and Somersby Court NW and then takes a 90 degree turn to the west as "Somersby Court NW".
 - b. Identifying the roadway named "Blossom" as "Blossom Street NW".
 - c. Identifying the cul-de-sac roadway named "Street" as "Blossom Lane NW".
2. Dedication of parkland and the exchange of parkland shall be handled in the form outlined in the March 4, 2003 Memorandum from the Rochester Park and Recreation Department.
3. The Applicant shall dedicate Outlot 'A' to the City. In addition, the Applicant shall grade and establish turf prior to deeding to the City.
4. Grading and Drainage Plans shall be approved by the City Public Works Department prior to the submittal of the final plat. The preliminary Grading Plan indicates a temporary sedimentation basin within the ROW of Blossom Street NW (between Lot 1, Block 2 & Lot 9, Block 1), and temporary sedimentation basin within the ROW of Somersby Court NW (between Lots 7, Block 1 and Lot 12, Block 2). These proposed sediment basins are not permitted within the ROW. The Owner shall construct and maintain any required temporary sedimentation basin(s) on individual lot(s) within the subdivision. All storm water from this plat shall be directed to the temporary sediment basin(s) until such time all other lots are developed and sodded.
5. The Applicant shall construct a temporary turn-around and dedicate an applicable temporary easement at the westerly extent of the roadway abutting Lot 1, Block 1 and Lot 1, Block 4.
6. The cul-de-sac and roadway to be named "Blossom Lane NW" and the roadway named and to be named "Somersby Court NW, shall posted "No Parking" along one side of the roadway.
7. The applicant shall provide surety that guarantees the site will be fully restored

269

after the completion of the excavation activity. Said surety must be provided prior to commencement of grading activities on the property.

Mr. Burke moved to recommend approval of the Substantial Land Alteration by Leslie A. Lurken based on staff's recommendation. Mr. Staver seconded the motion. The motion carried 6-0, with Mr. Ohly abstaining.

Land Subdivision Permit (Preliminary Plat) #03-08 to be known as Fieldstone by GP Development Inc. The Applicant is proposing to subdivide approximately 19.10 acres of land into 49 lots for single family development and two Outlots. The Plat also proposes to dedicate new public roadways. The property is located west of 18th Ave. SW and north of the Hart Farm development.

Mr. Brent Svenby presented the staff report, dated March 21, 2003, to the Commission. The staff report is on file at the Rochester-Olmsted Planning Department.

The applicant's representative, Josh Johnson of McGhie and Betts, Inc. (1648 Third Avenue SE, Rochester MN), addressed the Commission. He stated that the applicant is in agreement with the staff-recommended conditions except for 2 (j) with regard to a 30 foot wide outlot mid-block pedestrian connection in the vicinity of Lots 4 and 5 of Block 8. He discussed a better location for the connection.

Mr. Johnson explained what was occurring with the exception area.

With no one else wishing to be heard, Ms. Wiesner closed the public hearing.

Mr. Haeussinger moved to recommend approval of Land Subdivision Permit (Preliminary Plat) #03-08 to be known as Fieldstone by GP Development Inc. with the staff-recommended findings and conditions. Mr. Quinn seconded the motion. The motion carried 7-0.

CONDITIONS:

1. A revised copy of the preliminary plat shall be submitted by the applicant to the City (Planning Department) that shows all the conditions of approval that affect the face of the plat, prior to the Preliminary Plat being considered by the City Council.
2. The Plat shall be revised:
 - a. Changing the roadway named "Fieldstone Drive SW" to "Fieldstone Road SW".
 - b. Illustrating the roadway that is an extension of "Fieldstone Drive SW" and west of the intersection with "Flagstone Drive SW" as "Fieldstone Road SW".
 - c. Changing the roadway name for "Flagstone Drive SW, keeping the roadway type and directional.

278